

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Ho	Team: Squad #3	CCRB Case #: 201506377	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 08/01/2015 4:45 PM	Location of Incident: 202nd Street between 99th Avenue and Jamaica Avenue	Precinct: 103	18 Mo. SOL 2/1/2017	EO SOL 2/1/2017	
Date/Time CV Reported Sat, 08/01/2015 5:45 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 08/01/2015 5:45 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Dimitrios Roidis	07470	935638	NARCBQN
2. POM Eric Moy	04042	949373	NARCBQN
3. SGT Mark Sinatra	04720	944174	NARCBQN
4. DT3 Daniel Ludemann	4386	938892	NARCBQN
5. DT3 George Katris	1168	943427	NARCBQN
6. DT3 Delcar Balcena	5757	943021	NARCBQN
7. An officer			NARCBQN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Victor Rosario	06261	937436	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Daniel Ludemann	Abuse: Det. Daniel Ludemann stopped § 87(2)(b)	
B.DT3 George Katris	Abuse: Det. George Katris stopped § 87(2)(b)	
C.DT3 Daniel Ludemann	Abuse: Det. Daniel Ludemann stopped § 87(2)(b)	
D.DT3 George Katris	Abuse: Det. George Katris stopped § 87(2)(b)	
E.DT3 Delcar Balcena	Force: Det. Delcar Balcena pointed her gun at § 87(2)(b)	
F. An officer	Force: An officer pointed his gun at § 87(2)(b)	
G. An officer	Force: An officer used physical force against § 87(2)(b)	
H.DT3 George Katris	Abuse: Det. George Katris frisked § 87(2)(b)	
I.DT3 George Katris	Abuse: Det. George Katris searched § 87(2)(b)	
J.DT3 Daniel Ludemann	Abuse: Det. Daniel Ludemann issued a summons to § 87(2)(b)	
K.POM Eric Moy	Abuse: PO Eric Moy frisked § 87(2)(b)	
L.POM Eric Moy	Abuse: PO Eric Moy searched § 87(2)(b)	
M.SGT Mark Sinatra	Abuse: Sgt. Mark Sinatra searched § 87(2)(b)	
N.POM Eric Moy	Abuse: PO Eric Moy refused to provide his name and shield number to § 87(2)(b)	
O.DT3 Dimitrios Roidis	Abuse: Det. Dimitrios Roidis refused to provide his name and shield number to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
P.SGT Mark Sinatra	Abuse: Sgt. Mark Sinatra refused to provide his name and shield number to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On August 1, 2015 at approximately 4:45 p.m., § 87(2)(b) was walking on 202nd Street at 99th Avenue towards Jamaica Avenue in Queens when he saw his old neighborhood friend § 87(2)(b) briefly greeted § 87(2)(b) and continued to walk. From a distance away, § 87(2)(b) observed two officers, identified by the investigation as Det. Daniel Ludemann and Det. George Katris of Narcotics Borough Queens North, stop § 87(2)(b) and instruct him to get down on the ground (**Allegations A and B**). Det. Ludemann and Det. Katris radioed their team to stop § 87(2)(b) as well (**Allegations C and D**). § 87(2)(b) alleged he was stopped by Det. Delcar Balcena and an unidentified officer of Narcotics Borough Queens North and that they had their guns drawn and pointed at him (**Allegation E and F**). § 87(2)(b) also alleged the unidentified officer used physical force against him while handcuffing him (**Allegation G**). Det. Katris acknowledged he frisked and searched § 87(2)(b) (**Allegations H and I**). Det. Ludemann issued § 87(2)(b) a summons for disorderly conduct (**Allegation J**). As § 87(2)(b) continued to walk toward Jamaica Avenue, Det. Dimitrios Roidis, Sgt. Mark Sinatra, and PO Eric Moy of Narcotics Borough Queens North approached him and asked for identification. PO Moy asked § 87(2)(b) if he had anything on him. Although § 87(2)(b) replied that he did not, PO Moy put § 87(2)(b) in handcuffs. PO Moy allegedly frisked and searched his pockets while Sgt. Sinatra allegedly searched the bag he was carrying (**Allegations K, L and M**). After running § 87(2)(b)'s name for warrants, the officers apologized to § 87(2)(b) and PO Moy released § 87(2)(b). When § 87(2)(b) asked PO Moy, Det. Roidis, and Sgt. Sinatra for their names and shield numbers, the three officers ignored his request (**Allegations N, O, and P**). § 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

There is no video footage for the incident. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

Mediation, Civil and Criminal Conviction Histories

- Mediation was offered to and rejected by § 87(2)(b)
- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of October 27, 2015 with regard to the incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) [BR 09].
- § 87(2)(b)
- Det. Daniel Ludemann has been a member of the service for 10 years and there are no substantiated CCRB allegations against him.
 - Of the 20 CCRB allegations against Det. Ludemann, 4 are stops, 3 are searches, 2 are vehicle stops, and 1 is a vehicle search.

- In CCRB case 201506263, a stop, search, § 87(4-b), § 87(2)(g) [REDACTED]
[REDACTED] The investigation recommended that the stop and search be closed as unsubstantiated. The case is pending review by Panel 11D.
- In CCRB case 201506484, a vehicle stop was alleged against Det. Ludemann and recommended by the investigation to be closed as unsubstantiated. The case is pending review by Panel 12A.
- Det. George Katris has been a member of the service for 8 years and there is 1 substantiated CCRB allegation against him:
 - Of the 20 CCRB allegations against Det. Katris, 2 are stops, 2 are frisks, 2 are searches, 1 is vehicle stop, and 1 is a vehicle search.
 - In CCRB case 201406029, a vehicle stop allegation was substantiated; charges were recommended, and the NYPD has not yet reached a disposition.
 - § 87(2)(g) [REDACTED]
[REDACTED]
- Det. Victor Rosario has been a member of the service for 10 years and there is 1 substantiated CCRB allegation against him:
 - In CCRB case 201111384, a stop allegation was substantiated; command discipline was recommended, and the NYPD took no disciplinary action.
- Det. Delcar Balcena has been a member of the service for 8 years and there are no substantiated CCRB allegations against her.
 - Of the 12 CCRB allegations against Det. Balcena, 2 are stops, 1 is a frisk, 1 is a vehicle stop, and 1 is a vehicle search.
 - In CCRB case 201506484, a vehicle stop, vehicle search, frisk, and search were alleged against Det. Balcena. The investigation recommended that the vehicle stop be closed as unsubstantiated, while the vehicle search, frisk, and search be closed as substantiated. The case is pending review by Panel 12A.
 - In CCRB case 201506493, a search is alleged against Det. Balcena. The investigation remains open with Squad 1.
- PO Moy has been a member of the service for 5 years and there are no substantiated CCRB allegations against him.
 - Of the 14 CCRB allegations against PO Moy, 1 is a stop, 3 are frisks, 3 are searches, 2 are vehicle stops, and 2 are refusals to provide his name and shield number.
 - In CCRB case 201506493, a vehicle stop, § 87(2)(g) [REDACTED] search, and refusal to provide name and shield number were alleged against PO Moy. The investigation remains open with Squad 1.
- Sgt. Mark Sinatra has been a member of the service for 8 years and there are no substantiated CCRB allegations against him.
 - Of the 22 CCRB allegations against Sgt. Sinatra, 1 is a stop, 2 are searches, 3 are vehicle stops, 3 are vehicle searches, and 4 are refusals to provide name and shield number.
 - In CCRB case 201506484, a vehicle stop, vehicle search, and refusal to provide name and shield number were alleged against Sgt. Sinatra. The investigation recommended that the vehicle stop be closed as unsubstantiated, while the vehicle search and refusal to provide name and shield number be closed as substantiated. The case is pending review by Panel 12A.
 - In CCRB case 201506493, a vehicle stop, vehicle search, search, and refusal to provide name and shield number were alleged against Sgt. Sinatra. The investigation remains open with Squad 1.
- Det. Dimitrios Roidis has been a member of the service for 11 years and there are no substantiated CCRB allegations against him.

- In CCRB case 201506493, § 87(2)(g) refusal to provide name and shield number were alleged against Det. Roidis. The investigation remains open with Squad 1.

Potential Issues

- Although § 87(2)(b) provided a telephone statement to the investigation, § 87(2)(b) refused to be scheduled for an interview despite the undersigned's offer to send him a Metro Card. In addition, § 87(2)(b) refused to have a verification notarized on his own. Consequently, the investigation does not have a verified statement from him.

Finding and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) alleged that when he was stopped, an officer had his gun drawn and pointed at him [BR 16]. § 87(2)(b) also alleged that the unidentified officer used physical force against him while handcuffing him. § 87(2)(b) described this officer as a Caucasian male in his late 20s to early 30s with a mustache, and dark brown hair. However, the investigation identified Det. Balcena's partner as Det. Rosario, a § 87(2)(b)-old Hispanic male with a shaved head. In addition, the description also does not match that of any other officer in the Narcotics Borough Queens North 103rd Precinct Module. § 87(2)(g)

Allegations Not Pleaded

- § 87(2)(g)

Recommendations

- **Allegation A – Abuse of Authority: Det. Daniel Ludemann stopped** § 87(2)(b)
- **Allegation B – Abuse of Authority: Det. George Katris stopped** § 87(2)(b)
- **Allegation C – Abuse of Authority: Det. Daniel Ludemann stopped** § 87(2)(b)
- **Allegation D – Abuse of Authority: Det. George Katris stopped** § 87(2)(b)

§ 87(2)(b) stated he was walking down the street when he heard § 87(2)(b) call his name from across the street [BR 01]. § 87(2)(b) crossed the street to speak with § 87(2)(b) § 87(2)(b) briefly greeted § 87(2)(b) with a handshake, asked him how he was doing, and they shook hands again before parting in opposite directions. From a distance away, § 87(2)(b) observed § 87(2)(b) being stopped by officers in plainclothes (identified by the investigation as Det. Ludemann and Det. Katris) in a dark blue sedan at the corner of 202nd Street and 99th Avenue. The officers ordered § 87(2)(b) to get on the ground. As § 87(2)(b) continued to walk toward Jamaica Avenue, Det. Roidis, Sgt. Sinatra, and PO Moy approached him and asked for his identification. § 87(2)(b) explained to the officers he was only greeting a friend and asked why he was being stopped. PO Moy informed § 87(2)(b) that until the officers knew more about what was going on, he would have to be placed in cuffs. After handcuffing him, PO Moy asked § 87(2)(b) if he had anything on him and § 87(2)(b) replied that he did not.

§ 87(2)(b) § 87(2)(g) § 87(2)(b) stated he had been waiting to cross the street when he was stopped by a male and female officer (identified

by the investigation as Det. Balcena) in a blue or black Dodge Caravan and that they had their guns pointed at him. § 87(2)(b) explained that at the time, he was only standing there not saying or doing anything. The officers ordered § 87(2)(b) to put his hands up. When § 87(2)(b) asked why he was being stopped, he was informed he needed to be handcuffed before they spoke with him. § 87(2)(b) claimed that after the male officer put him on the ground, the male officer punched him an unknown amount of times, kned him in the back, gave him three ‘palms’ to the face, and then kicked him. After § 87(2)(b) was handcuffed, he observed two male officers arrive in another vehicle (identified by the investigation as Det. Katris and Det. Ludemann).

Det. Katris explained that while driving slowly on 202nd Street, he observed from twenty feet away, two black males speaking with each other (identified by the investigation as § 87(2)(b) and § 87(2)(b) on the sidewalk [BR 05]. Det. Katris explained that the lighting in the area was clear as it was a sunny day. Det. Katris observed § 87(2)(b) pass a small object to § 87(2)(b). Det. Katris could not describe the object other than that it was small, stating he was not worried about what it was and more worried about what § 87(2)(b) did with it. Det. Katris did not observe a second object being transferred between the two men. Det. Katris denied the possibility of the hand-to-hand contact being confused with a handshake, and denied observing any exchange of currency. Then, § 87(2)(b) and § 87(2)(b) walked in opposite directions along 202nd Street; Det. Katris and Det. Ludemann radioed to the rest of the field team what they observed, a possible hand-to-hand, and descriptions of § 87(2)(b) and § 87(2)(b). Sgt. Sinatra, Det. Roidis, and PO Moy went to stop § 87(2)(b) based upon Det. Katris and Det. Ludemann’s observation and description. Det. Katris and Det. Ludemann followed § 87(2)(b) and stopped him forty to sixty feet from where he and § 87(2)(b) were first observed. Det. Katris asked § 87(2)(b) what had happened, “What did he pass you?” and informed § 87(2)(b) that his interaction with § 87(2)(b) looked like a possible hand-to-hand. Det. Katris stated that as they approached § 87(2)(b) he was yelling obscenities and flailing his arms all over the place so they handcuffed him – § 87(2)(b) was under arrest for disorderly conduct. Det. Katris could not recall if he or another officer handcuffed § 87(2)(b).

While driving on 202nd Street, Det. Ludemann observed from ten to fifteen feet away, one male (whom he later identified as § 87(2)(b) put his hand over the hand of another male (identified by the investigation as § 87(2)(b) and drop something into his open palm [BR 06]. Although Det. Ludemann had an unobstructed view of § 87(2)(b) and § 87(2)(b) he could not approximate the size or color of the object, what the object was, or anything else about the object. Det. Ludemann did not observe any currency being exchanged between the two men before they departed and walked away in separate directions. Det. Ludemann radioed to the rest of the team what was observed, a possible hand-to-hand, and provided a description of § 87(2)(b) so he could be stopped. § 87(2)(b) observed the RMP driving slowly and officers staring at him. § 87(2)(b) instantly became agitated and began yelling at them. Det. Ludemann drove the vehicle towards 99th Avenue and executed a U-turn to stop § 87(2)(b). In the process, they temporarily lost sight of § 87(2)(b) who had walked away from § 87(2)(b) and was standing at the corner of 99th Avenue. Upon approaching § 87(2)(b) Det. Ludemann explained to § 87(2)(b) the reason for stopping him, and asked him questions about what he handed to § 87(2)(b) and why he was screaming. Det. Ludemann explained that § 87(2)(b) was handcuffed by Det. Katris for safety reasons, as § 87(2)(b) was talking animatedly with his hands. Det. Ludemann explained there is always a fear of weapons as a possibility when arresting an individual, but had not observed any bulges on § 87(2)(b) nor did § 87(2)(b) give any specific indications that he had a weapon.

Sgt. Sinatra and PO Moy recalled they were informed via radio about the potential hand-to-hand, and PO Moy recalled they were provided with a physical description of § 87(2)(b) so that they could stop him [BR 04; BR 02]. Sgt. Sinatra and PO Moy explained that upon approaching § 87(2)(b)

§ 87(2)(b) they asked § 87(2)(b) for his identification. § 87(2)(b) refused; PO Moy also recalled § 87(2)(b) stating he did not have identification with him. They also asked § 87(2)(b) to unclench his hand to reveal what he was holding; § 87(2)(b) showed them loose change in his hand. Sgt. Sinatra and PO Moy denied having asked § 87(2)(b) for anything other than his identification and to unclench his hand. According to Sgt. Sinatra and PO Moy, § 87(2)(b)'s identification was never verified.

People v. Debour, 40 N.Y.2d 210 (1976) held that officers can forcibly stop and detain an individual whenever they have a reasonable suspicion that the individual has committed, is committing, or is about to commit a crime [BR 18]. Despite presence at a drug-prone location and the officers' training in narcotics, if the officer cannot see what is passed between the individuals supposedly making an exchange, do not see an exchange of currency, and cannot describe any other furtive conduct, they do not have reasonable suspicion to stop the individuals in question, and instead only possess a founded suspicion that criminal activity is afoot. People v. Loper, 2014 N.Y. App. Div. LEXIS 1735 (2014) [BR 20].

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- **Allegation E – Abuse of Authority: Det. Delcar Balcena pointed her gun at § 87(2)(b)**
- **Allegation F – Abuse of Authority: An officer pointed his gun at § 87(2)(b)**
- **Allegation G – Force: An officer used physical force against § 87(2)(b)**

§ 87(2)(b) alleged in his telephone statement that he was stopped by a male and female officer (identified by the investigation as Det. Balcena) in a blue or black Dodge Caravan and that they pointed their guns at him [BR 16]. § 87(2)(b) claimed that after the male officer put him on the ground, the male officer punched him an unknown amount of times, kneed him in the back, gave him three 'palms' to the face, and then kicked him.

§ 87(2)(g)

- **Allegation H – Abuse of Authority: Det. George Katris frisked** § 87(2)(b)
- **Allegation I – Abuse of Authority: Det. George Katris searched** § 87(2)(b)

§ 87(2)(b) alleged that after he was handcuffed by Det. Balcena and an unidentified officer, two more officers arrived in another vehicle (identified by the investigation as Det. Katris and Det. Ludemann) [BR 16]. The officers asked § 87(2)(b) why he had run from them. Then, Det. Katris patted § 87(2)(b) from his neck to his chest, around his body, waist, groin, legs, and down to his feet. § 87(2)(b) was informed they would check if he had any warrants, and asked if they let him go, would he sue. § 87(2)(b) was ultimately issued a summons for disorderly conduct.

Det. Katris explained that as he and Det. Ludemann drove towards § 87(2)(b) § 87(2)(b) acted 'loud and boisterous'; where he made hand motions at the officers and pointed at them [BR 05]. When they approached § 87(2)(b) on foot, § 87(2)(b) yelled out, "Why are you stopping me? This is fucking bullshit!" Det. Katris explained that because § 87(2)(b) continued to flail his arms all over the place, they placed § 87(2)(b) in handcuffs for officers' safety (Det. Katris could not recall who handcuffed § 87(2)(b). Det. Katris explained that § 87(2)(b) was 'possibly under arrest for disorderly conduct' based on his loud behavior, but would be released with a summons in lieu of arrest if the warrant check returned negative. Incident to arrest, Det. Katris frisked § 87(2)(b) and searched his pants pockets.

Det. Ludemann explained that as he and Det. Katris questioned § 87(2)(b) they issued § 87(2)(b) numerous commands to calm down [BR 06]. Although § 87(2)(b) provided coherent answers to their questions, § 87(2)(b) was handcuffed by Det. Katris because § 87(2)(b) was still waiving his hands, yelling, and cursing at them. Det. Ludemann explained that there is always a fear of weapons as a possibility when arresting an individual. However, Det. Ludemann stated there was nothing in § 87(2)(b)'s behavior that suggested he was armed. Det. Ludemann did not observe any bulges on § 87(2)(b) nor did § 87(2)(b) give any specific indications that he had a weapon and Det. Ludemann did not observe § 87(2)(b) make fists with his hands or attempt to strike anyone. Det. Ludemann ran a warrant check with § 87(2)(b)'s identification. Det. Ludemann did not recall if § 87(2)(b) had been frisked or searched, and did not recall how § 87(2)(b)'s identification had been obtained. When the warrant check was negative, Det. Ludemann utilized his discretion and made the decision to issue § 87(2)(b) a summons in lieu of an arrest.

In order to frisk an individual, an officer must have reasonable suspicion that he is in danger by virtue of the individual being armed. People v. Debour, 40 N.Y. 2d 210 (1976) [BR 18]. In instances where an individual is issued a summons (i.e. the individual is not arrested), police officers are not permitted to conduct a search of the individual. People v. Reid, 24 N.Y.3d 615, 619-20 (2014). [BR 21] The "search incident to arrest" doctrine applies only where an arrest has already occurred, or at the time of the search, the officer intends to make an arrest. Knowles v. Iowa, 525 U.S. 113 (1998). [BR 22]

§ 87(2)(g)

§ 87(2)(g)

• **Allegation J – Abuse of Authority: Det. Daniel Ludemann issued a summons to** § 87(2)(b)

§ 87(2)(b) explained that at the time he was approached by officers, he was standing on the corner of 202nd Street waiting to cross the street, not saying or doing anything [BR 16]. Det. Balcena and an unidentified officer approached § 87(2)(b) with their guns pointed at him, handcuffed him with force, and asked him why he had run away from them. After § 87(2)(b) was frisked and searched by Det. Katris, § 87(2)(b) was informed they would check if he had any warrants, and asked if they let him go, would he sue. § 87(2)(b) observed an officer (identified by the investigation as Det. Ludemann) sit inside his vehicle to write a summons.

Ultimately, Det. Ludemann issued § 87(2)(b) a summons for disorderly conduct. [NYPD 03]. On the summons, Det. Ludemann described that upon conducting a lawful stop, he observed § 87(2)(b) act in a manner which caused public alarm by yelling, cursing, and acting disorderly. In his formal statement, Det. Ludemann explained that § 87(2)(b) was stopped at an intersection and his loud behavior caused vehicles to slow down at the intersection (rubbernecking), and recalled that at some point, two individuals approached § 87(2)(b) to speak with him [BR 06]. Det. Ludemann did not recall if the two individuals approached before or after § 87(2)(b) was handcuffed, or if it had been § 87(2)(b) who called them over. Det. Ludemann further explained that § 87(2)(b) was handcuffed because he kept moving his hands around, and was acting irate and angry with the officers. Det. Ludemann could not recall if he issued any commands to § 87(2)(b) prior to Det. Katris handcuffing § 87(2)(b) for safety reasons, as § 87(2)(b) was talking animatedly with his hands and motioned with his hands in the air as he spoke. Det. Ludemann did not recall § 87(2)(b) making fists with his hands and did not observe § 87(2)(b) attempting to strike anyone.

Det. Katris explained that as he and Det. Ludemann drove towards § 87(2)(b) § 87(2)(b) acted 'loud and boisterous'; where he made hand motions at the officers and pointed at them [BR 05]. When they approached § 87(2)(b) on foot, § 87(2)(b) yelled out, "Why are you stopping me? This is fucking bullshit!" Det. Katris explained that because § 87(2)(b) continued to flail his arms all over the place, he was placed in handcuffs for officers' safety.

Det. Rosario recalled § 87(2)(b) was angry about being stopped, and was yelling at the sky for a saint to come help him [BR 07]. Det. Rosario explained that since § 87(2)(b) was stopped near an intersection (a four way stop sign), vehicles were stopping and backing up as they tried to observe the stop. In addition to causing traffic to congest, Det. Rosario explained that § 87(2)(b)'s yelling also drew a pedestrian crowd; onlookers did not participate in the stop or engage the officers.

Det. Balcena recalled § 87(2)(b) was yelling and agitated during the stop [BR 08]. Det. Balcena explained that she stood in the intersection directing the flow of traffic as it was congested due to the way the prisoner van (driven by Det. Ludemann and Det. Katris) had been parked.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: he makes unreasonable noise. NYS

Criminal Procedure Law 240.20(2) [BR 14]. To establish the public alarm requirement of disorderly conduct, there must be evidence that a person's behavior was designed to provoke, or had the potential to provoke, an incident involving a larger number of people. The mere fact that others gathered to observe does not accomplish this requirement. It must be established that the defendant's behavior, combined with the reaction of those nearby, created at least the potential for a larger incident. People v. Gonzalez, 2015 NY Slip Op 05515 [BR 15].

§ 87(2)(g)

- **Allegation K – Abuse of Authority: PO Eric Moy frisked** § 87(2)(b)
- **Allegation L – Abuse of Authority: PO Eric Moy searched** § 87(2)(b)
- **Allegation M – Abuse of Authority: Sgt. Mark Sinatra searched** § 87(2)(b)

§ 87(2)(b) stated that after he provided his wallet with his identification to Sgt. Sinatra, PO Moy asked § 87(2)(b) if he had anything on him [BR 01]. Then, PO Moy frisked and searched § 87(2)(b). § 87(2)(b) explained that none of the items in his pockets created any noticeable bulges. With his left hand, PO Moy lifted § 87(2)(b)'s t-shirt to access his pants. PO Moy stuck his hand into § 87(2)(b)'s pants, going under the waistband of his boxers, and gripped his pants to shake his pants. PO Moy did this for a few minutes, and then placed § 87(2)(b) against the van. PO Moy asked § 87(2)(b) if he had anything in his sneakers, but did not search them. PO Moy patted the front and back of § 87(2)(b)'s pants pockets and cargo pockets. PO Moy removed § 87(2)(b)'s eyeglasses case and looked inside it before placing it back in his pocket. PO Moy removed § 87(2)(b)'s phone and temporarily held onto it. Meanwhile, Sgt. Sinatra had propped § 87(2)(b)'s duffel bag on the hood of the RMP and was looking through it.

PO Moy, Sgt. Sinatra, and Det. Roidis maintained they did not stop § 87(2)(b) and only questioned him to provide identification [BR 02; BR 03; BR 04]. They each stated § 87(2)(b) refused to provide his identification when asked and his information was never ascertained. Furthermore, they denied § 87(2)(b) being handcuffed at any point during the incident and all stated that § 87(2)(b) was never frisked or searched.

§ 87(2)(g)

- **Allegation N – Abuse of Authority: PO Eric Moy refused to provide his name and shield number to** § 87(2)(b)
- **Allegation O – Abuse of Authority: Det. Dimitrios Roidis refused to provide his name and shield number to** § 87(2)(b)
- **Allegation P – Abuse of Authority: Sgt. Mark Sinatra refused to provide his name and shield number to** § 87(2)(b)

§ 87(2)(b) alleged that after he was released from handcuffs, he asked officers to identify themselves [BR 01]. Rather than respond to his question, Det. Roidis told § 87(2)(b) to have a nice day. When § 87(2)(b) asked them a second time to identify themselves, Sgt. Sinatra, Det. Roidis, and PO Moy walked away and returned to their vehicle.

PO Moy, Det. Roidis, and Sgt. Sinatra each stated they had their shield displayed when § 87(2)(b) was stopped [BR 02; BR 03; BR 04]. Each denied having been asked by § 87(2)(b) to provide his name and shield number and did not hear § 87(2)(b) ask another officer to provide their name and shield number.

§ 87(2)(g) [REDACTED]

§ 87(2)(g), § 87(4-b) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Investigator:	_____	_____ Rebecca Ho	_____ 12/07/15
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date